IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.L.P..No. 662 of 2004()

CC.551/2000 of JUDICIAL FIRST CLASS MAGISTRATE COURT,CHAVAKKAD

.....

PETITIONER/COMPLAINANT

SREERAM HIRE PURCHASE AND LOANS,
THRIPRAYAR, CHAVAKKAD TALUK, REP.BY ITS
MANAGING PARTNER, LEEBA SUKUMARAN,
D/O. V.T.BALAN.

BY ADV. SRI.K.N.PADMAKUMAR

RESPONDENTS: ACCUSED

GLITTO JOSEPH, S/O. JOSEPH,
KANJIRAPPILLY HOUSE, OVUNGAL BAZAAR,
CHAVAKKAD TALUK.

BY //

THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.THANKAPPAN, J.

CRL. L.P. NO. 662 OF 2004

Dated this the 12th day of June, 2007

O R D E R

This is a petition for special leave to appeal against the judgment in C.C. No.551 of 2000 on the file of the Judicial First Class Magistrate's Court, Chavakkad.

2. The only ground taken by the trial court for acquitting the accused was that the complainant was a firm whereas the cheque in question was issued in favour of one V.T. Balan. Though the case of the complainant before the court below was that V.T. Balan was the Managing Partner of the firm, the complainant failed to prove the same. The trial court found that the complainant being a firm, it was the duty of the complainant to prove that the holder of the cheque was the Managing Partner of the firm or an authorised person in whose name the cheque can be issued for and on behalf of the firm. The trial court also found that the complainant failed to prove the alleged transaction between the firm and the accused.

3. Considering the entire facts and circumstances of the case, this Court is of the view that the trial court correctly acquitted the accused. Hence, the impugned judgment requires no interference.

The Crl. L.P. is accordingly dismissed.

(K.THANKAPPAN, JUDGE)

sp/